

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAMUEL TORRES,

Plaintiff,

v.

Case No. 22-cv-12137
Hon. Matthew F. Leitman

JONATHAN HEMINGWAY,

Defendant.

/

ORDER DENYING PETITIONER'S
MOTION FOR RECONSIDERATION (ECF No. 13)

Petitioner Samuel Torres is currently incarcerated at the Federal Correctional Institution (“FCI”) in Milan, Michigan. On September 9, 2022, Torres filed a *pro se* petition for a writ of habeas corpus in this Court pursuant to 28 U.S.C. § 2244. (*See* Pet., ECF No. 1.) In his § 2244 petition, Torres sought relief from a Bureau of Prisons (“BOP”) decision finding Torres guilty of drug possession and deducting good-time credits that he had earned. Torres challenged the BOP decision on both evidentiary and procedural grounds, arguing that he was “actually innocent of the charged conduct” and that he was entitled to relief based on “multiple prejudicial violations of due process” that tainted his disciplinary proceedings. (*See* Pet., ECF No. 1, PageID.6-7.)

On March 20, 2023, the Court entered an order denying Torres’ § 2241 petition for habeas relief. (*See* Order, ECF No. 11.) Torres has now filed a Motion for Reconsideration. (*See* Mot., ECF No. 13.) In that motion, he asserts that his § 2241 petition raised “two claims that were not considered or analyzed in the Court’s decision.” (*Id.*, PageID.149.) According to Torres, the Court failed to consider: 1) Torres’ contention that the BOP decision was based on insufficient evidence; and 2) Torres’ contention that there was no evidence that he acted with the *mens rea* necessary to sustain his disciplinary conviction. (*See id.*) The Court disagrees.

The Court did not overlook the arguments identified by Torres. Both of those arguments challenge the sufficiency of the evidence – albeit in different respects – and the Court specifically concluded that “there was sufficient evidence to sustain Torres’ disciplinary conviction.” (*See* Order, ECF No. 11, PageID.141.) The Court also offered additional analysis. To be clear, the Court finds no merit in any of Torres’ claims that the evidence against him was in any respect insufficient to support the BOP’s decision and actions against him.

Accordingly, Torres’ Motion for Reconsideration (ECF No. 13) is **DENIED**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 7, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 7, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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